

REMARKS

At the time the present Office Action issued, claims 1 to 11 were pending. Claims 1, 7, and 9-11 stand rejected.

Allowable subject matter

In Numbered paragraph 10 of the Office Action, Claims 2-6 and 8 have been held allowable provided that they would be rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Examiner is cordially thanked for this acknowledgement. Applicant agrees, and accordingly claims 2, 5, and 8 have each been redrafted to contain subject matter of original claim 1.

However, the word "flushing" from "flushing a flushing gas" as it appeared in claim 1, has been changed to "introducing" to avoid using the same word as a verb and an adjective.

Moreover, the term "such that oxides are removed from the forge welded tubular ends and the amount of irregularities between the forge welded tubular ends is limited" from original claim 1 has been omitted. It is not expected that this will affect the allowability of the claims, as the Examiner has allowed these claims while at the same time rejecting other claims stating that US Patent 4,669,650 (Moe) teaches flushing an inert and reducing gas in order to ensure almost complete oxide removal. Hence, the Examiner did not rely on the presence of the now removed language when holding claims 2, 5, and 8 conditionally allowable.

It is remarked that the full subject matter of claim 7 has been included in claim 8, as original claim 8 depended on claim 1 via intermediate claim 7.

The claim dependencies in (rejected) original claims 7, 9, and 10 have been amended to make reference to amended claim 2. Thereby, also (rejected) claim 11 ultimately depends on claim 2, since it depends on claim 10.

Moreover, new dependent claims 12 to 19 have been added, as well as new dependent claims 27 to 29, each reciting elements from original claims and ultimately being dependent on either claim 2, 5 or 8. No new matter has been added.

It is believed that herewith the conditions of Numbered paragraph 10 of the Office Action have been met and that at least the claims 2 to 19 and 27 to 29 are now in a fully allowable state.

Claim rejections under 35 USC § 103

Claims 9 and 11

In Numbered paragraphs 8 and 9 of the Office Action, Claims 9 and 11 have been rejected under 35 USC § 103(a) as being unpatentable over US Patent 5,924,745 (Campbell) in view of US Patent 4,669,650 (Moe) and further in view of US Patent 2,604,569 (Denneen) respectively US Patent 4,384,657 (Ueno et al).

As already remarked above, the claim dependency of claim 9 has been amended to refer to claim 2, which was held allowable (see Numbered paragraph 10 of the Office Action). Also claim 11 ultimately depends on claim 2. Hence, the rejection of claims 9 and 11 has become moot.

Claims 1, 7, and 10

In Numbered paragraphs 6 and 7 of the Office Action, Claims 1, 7, and 10 have been rejected under 35 USC § 103(a) as being unpatentable over US Patent 5,924,745 (Campbell) in view of US Patent 4,669,650 (Moe).

It has already been remarked above, that the claim dependencies of claims 7 and 10 have been amended to refer to claim 2, which was held allowable (see Numbered paragraph 10 of the Office Action). Hence, in respect of these claims the rejection has become moot.

Claim 1, on the other hand, has been amended to include features, based on Figs. 22 to 24 and page 42 line 17 to page 43 line 6 of the specification, according to which each tubular has a slotted middle section and a folded unslotted end section, and to which the joining of the tubulars is performed at the respective unslotted end sections, and to which the unslotted end sections that are forge welded together are unfolded.

Attention is drawn to the removal of the term "such that oxides are removed from the forge welded tubular ends and the amount of irregularities between the forge welded tubular ends is limited" from Claim 1, in the same way as explained above with regard to claims 2, 5, and 8.

Finally, the word "flushing" in "flushing a reducing flushing gas" has been changed to "introducing" to avoid the same word being used as a verb and an adjective.

And new dependent claims 20 to 26 have been included, which each ultimately include the subject matter of amended claim 1.

The rejection provided in Numbered paragraph 6 of the Office Action regarding original Claim 1 and based on Campbell in view of Moe, does not establish a prima facie case of obviousness of the amended Claim 1 because the cited combination fails to disclose or teach every claimed feature.

Also the combination of Campbell, Moe and Denneen, which has been applied to original claim 9 (see the Office Action, Numbered paragraph 8), fails to disclose every feature of amended claim 1. The same holds true for the combination of Campbell, Moe and Ueno et al, applied to original claim 11 (See Numbered paragraph 9).

As none of said combinations of references discloses every feature of amended claim 1, by definition none of the individual references taken alone discloses every feature of amended claim 1. Hence, it can be concluded that amended claim 1 is currently not subject to rejection, either under §102 or under §103 of 35 USC.

The same applies to new claims 20 to 26, which all ultimately depend on amended claim 1.

Attorney submits that amended claim 1 and the claims 20 to 26 depending therefrom, are currently in an allowable state.

Specification

Responsive to Numbered paragraphs 1 to 4 of the Office Action, the specification (including the abstract) has been amended in various places to overcome the objections raised. No new matter has been added.

The Examiner is cordially thanked for the diligence exercised during the reading of the specification, which provided Applicant with an opportunity to correct the various identified errors and informalities.

However, with regard to Numbered paragraph 4 of the Office Action, Attorney for Applicant has not found the alleged use of the trademark LEGOLAND, even using electronic word-searching capability. Perhaps the remark refers to a patent application other than the one currently under examination. Otherwise, Examiner is respectfully requested to indicate the finding place of the trademark use in the specification.

Concluding remarks

In conclusion, Attorney has addressed each and every ground for objection and rejection raised by the Examiner in the Office Action.

Attorney respectfully submits that the specification, drawings, and claims – new and amended - are now in a state ready for allowance.

As a final remark, it is brought under the Examiner's attention that on Form PTO-1449 as filed by Attorney for Applicant on 29 April 2004 a typing error was made. Item AK, now initialized by the Examiner, incorrectly lists EP 1,079,709 whereas the correct number is EP 1,078,709. However, the correct document was enclosed so that Attorney for Applicant assumes that the Examiner has in fact examined the correct reference.

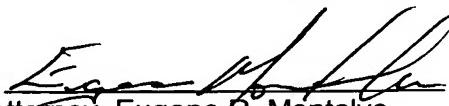
Should that not be the case, Applicant is prepared to file a supplemental Information Disclosure Statement should such be requested by the Examiner.

In the event the Examiner has any questions or issues regarding the present application, the Examiner is invited to call the undersigned prior to the issuance of any written action.

Respectfully submitted,

Mark Wilson Anderson et al.

By:


Attorney, Eugene R. Montalvo
Registration No. 32,790
(713) 241-0296 Telephone
(713) 241-6617 Facsimile

P. O. Box 2463
Houston, Texas 77252-2463